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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

ORACLE USA, INC., *et al.*,
 Plaintiffs,
 v.
 SAP AG, *et al.*,
 Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

**STIPULATED REQUEST AND
 [PROPOSED] ORDER CHANGING
 TIME FOR HEARING OF
 ORACLE'S MOTION PURSUANT
 TO 17 U.S.C. § 410(c)**

**[Fed. R. Civ. Proc. 6(b),
 Civil L.R. 6-1, 6-2, 7-1, 7-12]**

STIPULATED REQUEST TO CHANGE TIME PER CIV. L.R. 6-2**I. GOOD CAUSE EXISTS TO PERMIT ORACLE'S MOTION
PURSUANT TO 17 U.S.C. § 410(c) TO BE HEARD ON
SEPTEMBER 30, 2010**

Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited and Siebel Systems, Inc. ("Plaintiffs") and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. ("Defendants"; together with Plaintiffs, the "Parties") respectfully submit this Stipulated Request and [Proposed] Order pursuant to Fed. R. Civ. P. 6(b) and Civ. L.R. 6-1, 6-2, 7-1, and 7-12, requesting that the Court permit Oracle's motion pursuant to 17 U.S.C. § 410(c) (the "§ 410(c) Motion") to be heard at the Pretrial Conference set for September 30, 2010.

In their Joint Pretrial Statement, the Parties agreed that "[t]he evidentiary weight to be given to six certificates of copyright registrations (and the factual statements in those registrations) . . . because the copyrights were not registered within five years of first publication" was a disputed point of law to be resolved by the Court. D.I. 745 at 75:19-23; *see also* 17 U.S.C. § 410(c) (stating that the evidentiary weight to be given to certificates of registration for registrations not made within five years of first publication "shall be within the discretion of the court"). Plaintiffs will file a motion requesting that the Court exercise its discretion with respect to these six certificates of copyright registration. *See* Declaration of Geoffrey M. Howard in Support of Stipulated Request For Order Changing Time for Hearing of § 410(c) Motion ("Howard Decl."), ¶ 3.

Pursuant to Civ. L.R. 7-2, motions not otherwise excused "must be filed, served and noticed in writing **on the motion calendar of the assigned Judge** for hearing not less than 35 days after service of the motion." (emphasis added). Plaintiffs respectfully suggest that setting this motion for hearing on September 30, 2010, during the Parties' Pretrial Conference and in parallel with the current schedule for the parties' *Daubert* motions, would be efficient and convenient for both the Court and the parties. *See* Howard Decl., ¶¶ 2, 4. Defendants agreed to this proposed schedule and so stipulate. *Id.*, ¶ 4. As September 30, 2010, is not a date on Your Honor's motion calendar, the Parties respectfully submit this Stipulated Request and [Proposed]

Order in compliance with Local Rules. The Parties have not previously requested relief for calendaring the § 410(c) Motion. *Id.*, ¶ 6.

Should Your Honor deny this Stipulated Request and [Proposed] Order, the § 410(c) Motion will be set for September 29, 2010, or as soon thereafter as permitted by the Court. *See id.*, ¶ 4. Therefore, the effect of the Stipulated Request and [Proposed] Order would be, at most, to grant Defendants one additional calendar day for their Opposition to § 410(c) Motion, and to grant Plaintiffs one additional calendar day for their Reply in Support of § 410(c) Motion. *See* Civ. L.R. 7-3(a) (requiring that any opposition “be served and filed not less than 21 days before the hearing date”); *id.* at (c) (requiring that any reply to an opposition “be served and filed not less than 14 days before the hearing date”). The Stipulated Request and [Proposed] Order would therefore not have any significant impact on the schedule for the case. *See* Howard Decl., ¶ 5.

For the reasons stated above and in the accompanying declaration, good cause exists to grant the Stipulated Request and [Proposed] Order, thereby allowing the § 410(c) Motion to be heard on September 30, 2010.

DATED: August 18, 2010

BINGHAM McCUTCHEN LLP

By: /s/Geoffrey M. Howard

Geoffrey M. Howard
Attorneys for Plaintiffs
Oracle USA, Inc., Oracle International
Corporation, Oracle EMEA Limited, and
Siebel Systems, Inc.

In accordance with General Order No. 45, Rule X, the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

1 DATED: August 18, 2010

JONES DAY

2
3 By: _____

Greg Lanier
Attorneys for Defendants
SAP AG, SAP America, Inc., and
TomorrowNow, Inc.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: August 20, 2010

